THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No. 13897 OF 1998

Dated 29th March 2007

Between:

Atkapuram Pedda Rajaveeru & others

…Petitioners

and

The Station House Officer,
P.S.Bhoopalpalli & others.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 13897 OF 1998

O R D E R:

The petitioners state that they purchased in all Acs.3-29 gts. of land, in Sy.Nos.320, 321 and 322 of Bhoopalpalli village, from the original pattedar, by name Gone Rajasimha Rao, about three decades ago, from now. Their names are said to have been entered in the revenue records, particularly as regards possession. When disputes arose as to the title, the petitioners have approached the Revenue Divisional Officer, Mulugu, for grant of pattas, since they too are poor persons and otherwise eligible for assignment. The petitioners state that they came to know that the land purchased by them was held in excess of ceiling limits, *vis-à-vis* the pattedar. They state that the objections filed by them, before the Land Reforms Tribunal, Karimnagar, *vis-à-vis* declaration filed by the owner in the context of surrender, are still pending. Their

grievance is that the respondents are trying to evict them by force, on the ground that the land is allotted for construction of a police station.

The third respondent filed a counter affidavit. According to him, the so-called purchase of the land by the petitioners is untenable in law, since it was declared as excess under the A.P.(Ceiling on Agricultural Holdings) Act, 1973. The application made by the petitioners for assignment of the land in their possession was examined. Since the Mandal Assignment Review Committee did not approve the proposal, steps were being taken and removed the encroachments. It is stated that the land in question was allotted to the Home Department, for construction of police station.

Heard the learned counsel for the petitioners and learned Government Pleader for Revenue.

Though the petitioners have stated that they have purchased the lands referred to above, from the previous owner, they did not place the acceptable document, before this court. At any rate, the sale is said to have taken place, subsequent to the Act came into force. Therefore, the petitioners cannot get any title of the land.

The respondents admit that the petitioners are in possession of the land. In fact, the entries in the revenue records support the possession of the petitioners. The third respondent stated in his counter affidavit that the petitioners were found to be eligible for assignment of the land, in their possession, and proposals were placed before the Mandal Assignment Review Committee, at its meeting held on 4.3.1997. The Committee did not accept the proposal. The petitioners were also not informed of the reasons for non-acceptance of their claim.

This court cannot sit as an appellate authority over the decision taken by the concerned agency, in the context of assignment of lands to the petitioners. The fact, however, remains that on the strength of the interim orders granted in their favour, the petitioners are in possession of the property, even as of now. It means that the petitioners are in possession of the land, for almost past three decades. When the effort of the Government is to identify eligible persons for assignment of land, and to put them in possession, rejection of the claims of the persons, who are otherwise found to be eligible and are in possession, for the past three decades, needs a very strong guide. Whatever be the grounds, on which the claim of the petitioners for assignment of land was rejected, on an earlier occasion, the matter needs to be considered, afresh.

For the foregoing reasons, the writ petition is disposed of, directing that the cases of the petitioners shall be considered for assignment of the land in their possession, afresh, duly taking into account, the fact that they are in possession of the same, for the past three decades. Till such a decision is taken, their possession shall not be disturbed. There shall be no order as to costs.

29th March 2007

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